



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable A. G. Easterling
County Auditor, Limestone County
Groesbeck, Texas

Dear Sir:

Opinion No. 0-6067
Re: Definition of the terms
"Ex-servicemen" and
"Ex-members" of the
Auxiliaries as used in
Section 2, Article 1939a,
Vernon's Annotated Civil
Statutes.

Your letter of June 6, 1944, requesting the opinion of
this department regarding the matters mentioned therein is, in
part, as follows:

"A controversy has arisen in this County regard-
ing the definition of ex-service men and ex-members
of the Auxiliaries as used in Section 2, Article 1939-A
of the Revised Civil Statutes of Texas. More speci-
fically, some claim that the exemptions provided for
in said Article apply to a present member as well as
to an ex-member. Please give me your construction so
that I may be able to properly perform my duties as
Auditor. * * *

House Bill No. 596, Acts of the 48th Legislature, Regular
Session, 1943, amending Article 1939a, Vernon's Annotated Civil
Statutes, reads as follows:

"AN ACT to amend Sections 1 and 2 of House Bill
No. 1004, Page 329 of the General Laws of the Regular
Session of the Forty-sixth Legislature, so as to ex-
tend their provisions regarding the issuance of certi-
ficates and certified copies of instruments to be used
in futhering claims and establishing proof of such ex-
service men of the Federal Government and such ex-
members of the Auxiliaries to the Armed Forces of the

United States Government of World War I, the Spanish-American War, World War II, or any other active service, to such claims for compensation or other claims to be established; defining ex-service men and ex-members of Auxiliaries; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

"BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

"Section 1. That Section 1 of House Bill No. 1004, Page 329 of the General Laws of the Regular Session of the Forty-sixth Legislature, be amended so as to hereafter read as follows:

"Section 1. That from and after the effective date of this Act, all County Clerks, District Clerks, and other officials in this State who are required to issue any form of certificate or any copy or copies of instruments necessary as proof to establish any claim or claims of any ex-service men of the Federal Government or any ex-members of the Auxiliaries to the Armed Forces of the United States Government, shall issue such certificate, and likewise certified copies of any instrument necessary to prove any fact or establish any claim of such ex-service men or such ex-members of the Auxiliaries, free of any charge, and shall include the establishing of compensation status, and any other necessary fact to be established to aid and assist such ex-service men and ex-members of the Auxiliaries in completing the record of such service when necessary or required in the establishment of claims and necessary service status, in either World War I, the Spanish-American War, World War II, or any other active service, where such service was rendered, and where the person would, on proper proof, be entitled to compensation, insurance, or any other form of adjusted settlement for service rendered to the United States Government by such ex-service men or ex-members of the Auxiliaries. The County Clerk, District Clerk, or other officials issuing such certificates or certified copies of instruments, shall not be liable for any settlement for any such reduction, and the same shall not be counted as fees collected and chargeable to such office, and shall form no part of the maximum fees of such office. All of the provisions of Section 1 hereof, shall inure to the heirs at law of such ex-service men and ex-members of the Auxiliaries, where the proof is necessary to establish the claim emanating through or under such ex-service men or ex-members of the Auxiliaries.'

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"Sec. 2. That Section 2 of House Bill No. 1004, Page 329, of the General Laws of the Regular Session of the Forty-sixth Legislature, be amended so as to hereafter read as follows:

"Section 2. Ex-service men and ex-members of the Auxiliaries, as meant in this Act, shall include all those persons recognized by the United States Government as being entitled to adjustment compensation, or other form of settlement for service in time of war."

"Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed to the extent of the conflict only.

"Sec. 4. The fact that such certificates and certified copies will in the near future be needed for the ex-service men and the ex-members of the Auxiliaries to the Armed Forces of the present conflict, and the fact that there may not be another legislative session to consider such legislation before 1945, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted."

After carefully considering House Bill No. 596, supra, and the definition of "ex-servicemen and ex-members" of the Auxiliaries as defined by the Act, you are respectfully advised that it is the opinion of this department that the said terms "Ex-servicemen" and "Ex-members" of the Auxiliaries includes all those persons recognized by the United States Government as being entitled to adjustment compensation, or other form of settlement for service in time of war, when such persons have been discharged from such services, or when present members show that they are now recognized by the United States Government as being entitled to adjustment compensation, or other form of settlement for service in time of war.

Yours very truly

ATTORNEY GENERAL OF TEXAS

E. J. Blackburn

By

Arnell Williams

APPROVED
OPINION
COMMITTEE

Arnell Williams
Assistant

BY *Blitz*
CHAIRMAN

AW:EP